

Docket No.: JAEC-10213
Application No.: 10/810,478
Amendment Date: September 22, 2006
Reply of Office Action of: July 19, 2006

REMARKS

Claims 15-21, 27-28, and 30 are currently pending in the application. Applicant has amended claim 15 and added claim 44. Applicant requests reconsideration of the application in light of the following remarks.

Telephone Interview

Applicant's attorney wishes to thank the Examiner for his courtesy and time during a telephone interview that was held on September 8, 2006. The Examiner's comments and insight were very helpful in preparing this response. It is hoped that the comments below reflect the spirit of the interview.

The Examiner indicated that it appears that Applicant is moving toward patentability. The Examiner cited two additional references (U.S. Patent 5,249,823 to McCoy and U.S. Patent 6,450,379 to Cook) that were discovered during searches that were unrelated to the present application. The Examiner encouraged Applicant to define over these references as well as those relied upon in the rejections.

A primary difference in the reference to McCoy is that the McCoy patent does not have a vehicle body out through which the receivers open. Another difference is that McCoy is not a "motor vehicle" like the vehicles of the present invention. Also, the invention of McCoy is a size adjustable cart and not a vehicle having receivers for receiving a variety of accessories. Thus, the claims have been amended to easily define over the reference to McCoy.

The reference to Cook is different from the present invention in that Cook has receivers added on to an underside of a vehicle body or in bumper(s) of the vehicle. Thus, the receivers do not open outwardly through a sidewall of the vehicle body, as is required by the currently amended

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claims. Also, the added on tube 18 under the body of the vehicle of Cook is below the tire height contrary to that which is shown and now recited in claim 15.

In an effort to further distinguish the present invention, the amendments include focusing on a truck bed, (which encompasses the utility bed of Figures 9 and 10B, as is made clear from page 13, line 10), and is within the bounds of the elected motor vehicle embodiment. That is, the independent claims still recite the motor vehicle. However, the receiver is specifically located in the bed and opens out through a sidewall away from a center of the vehicle. This added focus is considered to be part of the elected embodiment since the disclosure has truck beds including utility vehicle beds that are generic to most of the embodiments including the elected embodiment of Figures 9 and 10B. As such, Applicant believes that the new recitation distinguishes the present invention while avoiding further restriction.

The truck bed recitation is considered to encompass beds including utility beds on motor vehicles regardless of the vehicle size. For example, truck beds or utility beds are applied to vehicles ranging from ATV and golf cart sizes to tow truck sizes. Applications may include those applied to standard sized utility and pickup trucks and those applied to compact utility and off-road vehicles. Beds applied to these vehicles may still be considered to be truck beds for the purpose of the present invention. Support for application of the receivers and accessories to a variety to vehicles is found in the original specification at page 21, lines 4-7. None of the prior art shows a motor vehicle with a truck bed having a receiver opening out through a sidewall away from a center of the vehicle and the receiver having a length, (as defined in claims 15 and 44), transverse to a fore and aft direction of travel of the vehicle.

Therefore, the current claims appear to be allowable over these newly discovered references and the other prior art of record, and notice thereof is earnestly requested.

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Indication of Condition for Allowance

Applicant wishes to thank the Examiner for the indication that with the right combination of details, the present application would be in condition for allowance. Applicant believes that a new and non-obvious combination of details have now been included in independent claim 15. This combination now includes the feature of a truck bed or a utility bed of a motor vehicle. This feature is generic to most of the embodiments of the present application. New claim 44 more concisely recites a similar combination that is considered to be patentable. Applicant believes that all formal matters have been resolved, that the application is in condition for allowance, and respectfully requests the same.

Rejections under 35 U.S.C. §102

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Brothers v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The identical invention must be shown in as complete detail as is contained in the claim. *Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

Claims 15-21 and 27-28 were rejected under 35 U.S.C. § 102(b) as being anticipated by Minix et al. (U.S. Patent No. 6,270,137, hereinafter "Minix"). Applicant respectfully traverses this rejection and request reconsideration of the claims.

Claim 15 now recites that the receivers open out toward an outside of the motor vehicle and that the receivers are not threaded. These, together with additional details added by the present amendment are considered to clearly define over Minix and the other prior art of record.

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It is also noted that any accessory of Minix is not received in the element interpreted by the Examiner to be a receiver. Rather a fastener 50 is received into threaded bolt holes. Thus, Minix does not teach or suggest the receivers and accessories of the present invention.

Therefore, claim 15 is considered to be patentable over Minix.

Claims 15-21, 28 and 30 were rejected under 35 U.S.C. § 102(b) as being anticipated by Gostomski. (U.S. Patent No. 3,447,826, hereinafter "Gostomski"). Applicants respectfully traverse this rejection and request reconsideration of the claims.

Gostomski has an extensible bumper structure for protecting a camper when used in combination with a truck to which the extensible bumper is attached. Claim 15 has now been amended to recite that the body receiver is not located in a bumper, and that the receiver opens out through a side wall of the truck bed or the utility vehicle bed. This feature is not shown or taught by Gostomski. Therefore, the rejection of claim 15 has been overcome.

Claims 16-21, 27-28, and 30 are considered to be patentable as depending from allowable independent claim 15 and for further patentable features therein, as may be appreciated by the Examiner.

Applicants respectfully request that the anticipation rejections of claims 15-21, 27-28, and 30 be withdrawn.

New Claim

New claim 44 is similar in scope to claim 15, and is considered to be patentable for many of the same reasons set forth above.

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Regarding Doctrine of Equivalents

Applicants hereby declare that any amendments herein that are not specifically made for the purpose of patentability are made for other purposes, such as clarification, and that no such changes shall be construed as limiting the scope of the claims or the application of the Doctrine of Equivalents.

CONCLUSION

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

The amendments herein added one new independent claim, (still under the maximum previously paid) resulting in no additional fees due.

If any fees, including extension of time fees or additional claims fees, are due as a result of this response, please charge Deposit Account No. 19-0513. This authorization is intended to act as a constructive petition for an extension of time, should an extension of time be needed as a result of this response. The examiner is invited to telephone the undersigned if this would in any way advance the prosecution of this case.

Respectfully submitted,

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